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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,056	03/02/2004	Hidechiro Fukushima	ASA-1168	9831
24956 7590 12/24/2008 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314				
EXAMINER				
ADDY, THUAN KNOWLIN				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/790,056

**Applicant(s)**

FUKUSHIMA ET AL.

**Examiner**

THJUAN K. ADDY

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1, 12 and 13 is/are allowed.  
6) ☒ Claim(s) 2-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on September 30, 2008 has been entered. Claims 1-8 and 10-13 have been amended. No claims have been cancelled. No claims have been added. Claims 1-13 are still pending in this application, with claims 1, 2, 6, 10, 12, and 13 being independent.

### *Allowable Subject Matter*

2. Claims 1, 12, and 13 are allowed.

3. The following is a statement of reasons for the indication of allowable subject matter: The invention as claimed is not disclosed nor rendered obvious in view of the prior art of record. As to independent claims 1, 12, and 13, the prior art of record fails to teach or suggest, alone or in combination, the recited method and service system for distributing data multicast from a source and addressed to a receiving terminal which does not support a multicast function, comprising detecting a data request packet, sent from the receiving terminal registered in a first network to the source, at **a first gateway** located on a transfer path of a packet between the receiving terminal and the source, detecting **a registration message** which the receiving terminal issues to a second network, sending from **the second gateway** a distribution request packet of multicast data, based on a received receive state information packet, to the source, and **converting** address information of a multicast data packet sent from the source to an

address of the receiving terminal and sending the multicast data packet to the receiving terminal. No prior art was found that discloses or teaches the limitations of claims 1, 12, and 13.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hotta (US 6,836,481).
5. In regards to claim 2, Hotta discloses a multicast gateway apparatus, which transfers a data packet multicast sent from a source addressed to a receiving terminal requesting to receive the data packet, comprising: a packet receiving part which receives a packet; a packet discrimination part which discriminates a kind of received packet; an access terminal management table which retains address of the receiving terminal which is a source of received packet when received packet is an access request packet to the source; a receiving terminal management table which, when received packet is a registration request packet of receiving terminal, retains address of moving destination of the terminal included in the registration request packet; a data

transfer processing part which, when received packet is a data packet multicast sent, sets address of moving destination of the receiving terminal as a destination address for the received data packet referring to the access management table and the receiving terminal management table; and a unit for sending data packet with the address set to the receiving terminal (See col. 3-4 lines 44-12).

6. In regards to claim 3, Hotta discloses a multicast gateway apparatus, further comprising: a unit for receiving the control packet of mobile communication protocol which the receiving terminal sends and receives; a unit for adding address information of the multicast gateway apparatus to the received control packet of mobile communication protocol and sending the control packet; a unit for receiving the control packet of mobile communication protocol added with address information of the multicast gateway apparatus; a unit for retaining address information of the multicast gateway apparatus included in the received control packet of mobile communication protocol added with address information of the multicast gateway apparatus; and a unit for deleting address information of the multicast gateway apparatus included in the received control packet of mobile communication protocol added with address information of the multicast gateway apparatus (See col. 4 lines 50-64 and col. 5-6 lines 66-45).

7. In regards to claim 4, Hotta discloses a multicast gateway apparatus, further comprising: a unit for monitoring packet sent and received between the receiving terminal and the source; and a unit for generating a distribution packet which indicates

distribution control of data packet multicast sent to the nearest multicast router apparatus based on monitoring result of the monitoring unit (See col. 3-4 lines 44-12).

8. In regards to claim 5, Hotta discloses a multicast gateway apparatus, wherein the control packet is a packet of group management protocol (See col. 4-5 lines 65-16).

9. In regards to claim 6, Hotta discloses a router apparatus which is provided with a relaying function of data packet multicast sent (See Fig. 5 and col. 4 lines 50-64), comprising: a packet receiving part which receives packet; a packet discrimination part which discriminates a kind of received packet; an access terminal management table (See Fig. 8 and management table 18) which, when received packet is an access request packet to a source of multicast data, retains address of receiving terminal which is a source of the received packet; a receiving terminal management table (See Fig. 8 and management table 17) which, when received packet is a registration request packet of receiving terminal, retains address of moving destination of the terminal included in the registration request packet; a data transfer processing part which, when received packet is a data packet multicast sent, sets address of moving destination of the receiving terminal as a destination address for the received data packet referring to the access management table and the receiving terminal management table; and a unit for sending data packet with the address set to the receiving terminal (See col. 5-6 lines 66-45).

10. In regards to claim 7, Hotta discloses router apparatus, further comprising: a unit for receiving the control packet of mobile communication protocol which the mobile terminal sends and receives; a unit for adding address information of the router

apparatus to the received control packet of mobile communication protocol and sending the control packet; a unit for receiving the control packet of mobile communication protocol added with address information of the router apparatus; a unit for retaining address information of the router apparatus included in the received control packet of mobile communication protocol added with address information of the router apparatus; and a unit for deleting address information of the router apparatus included in the received control packet of mobile communication protocol added with address information of the router apparatus and sending the control packet (See col. 4 lines 50-64).

11. In regards to claim 8, Hotta discloses a router apparatus, further comprising: a unit for monitoring packet sent and received between the receiving terminal and the source; and a unit for generating a control packet which indicates distribution control of data packet multicast sent to another router apparatus existing on network based on monitoring result of the monitoring unit (See col. 4 lines 50-64).

12. In regards to claim 9, Hotta discloses a router apparatus, wherein the control packet is a packet of multicast path control protocol (See col. 4-5 lines 65-16).

13. In regards to claim 10, Hotta discloses an agent apparatus in a network to which a mobile communication protocol is applied provided with a function defined by the mobile communication protocol, comprising: a packet receiving part which receives packet; a packet discrimination part which discriminates a kind of received packet; an access terminal management table which, when received packet is an access request packet to a source of multicast data, retains address of receiving terminal which is a

source of the received packet; a receiving terminal management table which, when received packet is a registration request packet of receiving terminal, retains address of moving destination of the terminal included in the registration request packet; a data transfer processing part which, when received packet is a data packet multicast sent, sets address of moving destination of the receiving terminal as a destination address for the received data packet referring to the access management table and the receiving terminal management table; and a unit for sending data packet with the address set to the receiving terminal (See col. 2 lines 35-41 and col. 3-4 lines 44-12).

14. In regards to claim 11, Hotta discloses an agent apparatus, further comprising: a unit for adding address information of the agent apparatus to the control packet of mobile communication protocol and sending the control packet; a unit for receiving the control packet of mobile communication protocol added with address information of the agent apparatus; a unit for retaining address information of the agent apparatus included in the received control packet of mobile communication protocol added with address information of the agent apparatus; and a unit for deleting address information of the agent apparatus included in the received control packet of mobile communication protocol added with address information of the agent apparatus and sending the control packet (See col. 4 lines 50-64).

***Response to Arguments***

15. Applicant's arguments filed 09/30/2008 have been fully considered but they are not persuasive.

16. In regards to independent claims 2, 6, and 10, Applicants argue that Hotta does not disclose the limitations recited in claims 2, 6, and 10. In response to this argument, Examiner respectfully disagrees (See the rejection pertaining to claims 2, 6, and 10 above). Furthermore, independent claims 2, 6, and 10 do not recite the limitations, found in independent claims 1, 12, and 13, which distinguish these claims over the prior art.

***Conclusion***

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/  
Primary Examiner, Art Unit 2614